

FILED  
Clerk  
District Court

DEC 31 2018

for the Northern Mariana Islands  
By                       
(Deputy Clerk)

MINUTES OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

1:18-cr-00021

December 31, 2018  
11:35 a.m.

**UNITED STATES OF AMERICA -v- DMITRII MAKARENKO**

PRESENT: HON. RAMONA V. MANGLONA, CHIEF JUDGE PRESIDING  
PATRICIA GARSHAK, COURT REPORTER  
TINA MATSUNAGA, COURTROOM DEPUTY  
GARTH BACKE, ASSISTANT U.S. ATTORNEY  
HAE JUN PARK, SPECIAL AGENT, FBI  
TIBERIUS MOCANU, PRIVATE COUNSEL  
DIMITRII MAKARENKO, DEFENDANT  
NAUM VEKHOV, INTERPRETER FOR DEFENDANT  
GREGORY ARRIOLA, U.S. PROBATION OFFICER

PROCEEDINGS: INITIAL APPEARANCE / PETITION FOR TRANSFER ORDER /  
MOTION FOR TEMPORARY DETENTION

Assistant United States Attorney Garth Backe appeared on behalf of the Government. Also seated at Government's table was Special Agent Hae Jun Park, Federal Bureau of Investigation. Defendant Dimitrii Makarenko appeared in custody with private counsel, Tiberius Mocanu, along with Naum Vekhov, interpreter. Gregory Arriola, United States Probation Officer, was present in court.

Naum Vekhov was sworn. Court asked Mr. Vekhov questions regarding his ability to interpret the Russian language for the Defendant. Court asked Mr. Mocanu if he had the chance to speak with Mr. Vekhov and if he was comfortable with Mr. Vekhov interpreting for his client. Attorney Mocanu stated the Defendant speaks relatively good English and Mr. Vekhov has been more of a translator when things got confusing. Court stated it was satisfied and that Mr. Vekhov had the credentials and experience to act as an interpreter.

Mr. Vekhov was sworn as interpreter for the Defendant.

Defendant was also sworn.

Court advised the Defendant of the proceeding.

Court advised the Defendant that his counsel informed them that he was able to

speak and understand some of the English Language. Defendant agreed. Court advised the Defendant that Mr. Vekhov was here to assist him.

Court inquired as to the date of Defendant's arrest. Government stated the Defendant was arrested on December 29, 2018 at 3:00 a.m. Special Agent Park stated he will be filing the return of arrest warrant today.

Court advised the Defendant of his constitutional rights and of the charges in the indictment against him from the Southern District of Florida. Court also advised the Defendant of his right to notify his consulate office regarding his arrest. Defendant stated that he would like to proceed so that they can also notify from their side. Court stated that the Government will need to notify his consulate office. Court advised the Defendant that it had to apprise him of this right. Court also advised the Defendant of his right not to make a statement, and that any statement made may be used against him. Court advised him that he may also waive that right and voluntarily speak to law enforcement officers. Court also advised the Defendant that he had a right to a preliminary hearing and an identity hearing and that he may also waive these rights. Attorney Mocanu stated that Defendant wishes to waive his right to an identity hearing and that he wants to proceed to being transferred to the Southern District of Florida. Court stated it was satisfied that for the purposes of identification, the Defendant before the Court, is, in fact, Mr. Dmitrii Makarenko, the same individual that is listed in the pending matter before the Southern District of Florida, Case No. 17-20407.

Attorney Mocanu had no objection to the Government's Motion for Temporary Detention pursuant to § 3142(d)(1)(B) and stated that his client would be waiving the identity hearing. Attorney Backe stated the Government does not object to the Defendant preserving his right to re-litigate the right of pretrial release in the Southern District of Florida. Attorney Backe requested this be reflected in the minutes of today's proceeding.

Defendant stated his name was "Dmitrii Makarenko." Court inquired if the Defendant understood his rights, including his Waiver of Rule 5(c)(3)(D) Rights, as he had signed the form in open court. Defendant stated he understood. Court found that the Defendant was in fact Dmitrii Makarenko and that he has waived his rights to an identity hearing, with reservations to conduct this hearing in the Southern District of Florida. Attorney Mocanu requested the Defendant's spouse be allowed to visit him at D.O.C. with some frequency between now and his time of departure. Court stated any access between the Defendant and his family would be up to U.S. Marshal and D.O.C. policies.

Court, after hearing from the parties, granted the Government's Petition for Transfer Order, ECF No. [1], and Motion for Temporary Detention, ECF No. [2], and ordered Defendant be brought to the Southern District of Florida.

Court remanded the Defendant to the custody of the U.S. Marshal to be transferred to the Southern District of Florida.

Adjourned at 12:35 p.m.

/s/ Tina Matsunaga, Courtroom Deputy

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**CERTIFICATE OF OFFICIAL COURT RECORDER**

I, Tina Matsunaga, certify that I am a duly appointed Courtroom Deputy for the United States District Court for the Northern Mariana Islands, and I was present in the courtroom of this court on December 31, 2018. On this date during the regular course of my profession, I made electronic sound recording(s) of the proceedings, for the above entitled case. I have played back the recording and certify that it is a true and correct record of the proceedings, that is sufficiently intelligible when played on the FTR Touch, that it can be transcribed without undue difficulty, and that I have filed the original recording with the Clerk of Court, as required by 28 U.S.C. § 753(b).

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